

January 2, 2020

Theo E.M. Gould
212.497.8489 direct
212.583.9600 main
646.417.7611 fax
tgould@littler.com

Hon. Sarah L. Cave
United States District Court
Southern District of New York
500 Pearl Street, Room 702
New York, NY 10007

Re: *Nachshen v. Jem Real Estate Co., LLC et al.*, No. 18-cv-10996

Dear Judge Cave:

We represent Defendants in the above-referenced matter. We write to request an extension of the deadline for Defendants' Fed R. Civ. Proc. 26(a)(2) disclosures from January 3, 2020 until February 14, 2020 and an extension of the expert depositions deadline from February 3, 2020 until April 3, 2020. *See* Docket No. 18. This is Defendants' first request for such extensions and Plaintiff consents to this request.

This case involves claims under the public accommodations section of the Americans with Disabilities Act. Specifically, Plaintiff alleges that certain physical accommodations at the Defendants' restaurant are not compliant. Defendants disagree. Consequently, expert witnesses are essential, if not the majority, of the factual presentation in this case. Currently, Plaintiff's deadline for expert reports was November 7, 2019 and Defendants' deadline was January 3, 2020. On November 22, 2019, Plaintiff's expert inspected Defendants' premises. To date, Plaintiff's expert has not yet produced a report with their expert disclosures. As a result, Defendants are unable to identify their appropriate expert to conduct an analysis of the Plaintiff's report, which is currently due January 3, 2020.

Moreover, the findings of the experts are essential to updating the Court regarding the trial readiness of the case. As Defendants previously advised the Court, *see* Docket No. 19, any modifications alleged by the Plaintiff's expert may be subject to certain building restrictions, including restrictions from the New York City Landmarks Preservation Commission ("Landmarks"). For example, Landmarks did not approve Defendants' initial drawings to have a permanent ramp installed to access their restaurant. Defendants await Plaintiff's expert report to determine whether any of the physical changes identified are feasible or whether they should resubmit such plans to Landmarks. The timing of such issues could also impact the timing of trial in this Action.

Accordingly, Defendants respectfully request an extension on the deadline for Defendants' Fed R. Civ. Proc. 26(a)(2) disclosures from January 3, 2020 until February 14, 2020 and an extension of the expert depositions deadline from February 3, 2020 until April 3, 2020, in order to give the Parties time to complete expert discovery as explained above.

We thank the Court for its time in considering this matter.

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Respectfully Submitted,

/s/ Theo E.M. Gould

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The requested extension of time is
GRANTED.

Defendants shall file their Rule 26
disclosures by **February 13, 2020** and
expert depositions shall be completed
by **April 3, 2020**.

The Clerk of Court is respectfully
directed to update the schedule and to
close the Letter-Motion at ECF No. 24.

SO ORDERED

1/3/2020


SARAH L. CAVE
United States Magistrate Judge